

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION
Meeting Specifics: Regular Commission Meeting
December 6, 2001 – 9:00 a.m.
Los Angeles – Embassy Suites
9801 Airport Blvd.
Los Angeles, CA

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Manuel “Cal” Soto, Chairman
Elmer Costa, Vice-Chairman
Alvin Ducheny
Van Gordon Sauter
Sanford Michelman
Armando Vergara

Staff Present: Rob Lynch, Executive Officer
Earl Plowman, Deputy Attorney General – Licensing
Frank Munoz, Recording Secretary
Dean Lohuis, Chief Inspector
Sal Barajas, Assistant Chief Inspector
Leydis Church, Associate Governmental Program Analyst
Kathy Chilimidos, Staff Services Analyst

2. APPROVAL OF OCTOBER 16, 2001 COMMISSION MEETING MINUTES

There were no corrections.

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Sauter to approve the October 16, 2001 minutes without corrections.

Vote: Unanimous

3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING

Chairman Soto informed the commission that he attended the World Boxing Hall of Fame induction ceremonies in October. He noted that the Hall of Fame had been in existence for 22 years and he had attended the ceremony for 21 years. He added that the night was very elegant and there were several boxing celebrities in attendance.

Chairman Soto reported that he along with Mr. Lohuis attended the press conference for Oscar De La Hoya vs. Roman Karmazin. He noted that since Mr. De La Hoya injured his hand during training the fight was canceled.

Chairman Soto stated that he watched the televised broadcast of the November 10, 2001 fight card from San Francisco at the Bill Graham Convention Center. He felt that the bouts were very competitive and referees Mr. Jon Schorle and Mr. Marty Denkin did a good job refereeing. At that point, Chairman Soto expressed his disgust of the James Butler vs. Richard Grant bout that took place in New York. He reported that he was amazed to see Butler “cold cock” Grant after the fight was over and the decision went to Grant. He noted that of his 60 years in boxing he had never witnessed anything of that nature.

4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE THE LAST MEETING

Mr. Lynch reported that on November 19, 2001 he along with Commissioner Ducheny met with the boxing community to gather input regarding Hepatitis C testing and the frequency of testing for HIV and Hepatitis B. He noted that the meeting was well attended and several comments were received.

Mr. Lynch informed the commission that the Office of Administrative Law approved, in mid-November, amendments to four regulations as follows:

- **Rule 376 – Grading of Referee’s Performance**
The amendments add the phrase “need improvement” on the referee evaluator’s form. It also establishes the procedures to take when a referee files a written protest of any evaluation.
- **Rule 377 – Hearing to Remove Referee’s License**
The amendments clarify that the commission will make the final decision regarding the revocation, suspension or other appropriate action of a referee’s license. They also permit the Executive Officer to notify a referee of deficiencies and outline the appropriate steps should a referee request a hearing.
- **Rule 401(K) – Participating Boxer**
Language was added to this section to permit a participating boxer who has had a break in service to obtain maximum pension benefits.
- **Rule 403(c) – Formula for Allocation of Forfeitures**
The specific purpose of this amendment is to allow a covered and participating boxer 100% of the benefits allocation rather than 50% by eliminating the break in service requirement.

Mr. Lynch stated that on November 29, 2001 staff along with Chairman Soto, Commissioners Sauter and Michelman met to begin the strategic or business planning process.

Mr. Lynch informed the commission that in addition to the \$85,000 budget reduction in the current fiscal year, the Department’s (DCA) Budget Office informed staff that the commission would be taking another \$15,000 hit for a total of \$100,000. He noted that there would probably be more budget cuts in the coming year.

Mr. Lynch reported that staff was in the process of contacting other state athletic commissions to gather input regarding continuing education.

Lastly, Mr. Lynch informed the commission that the Department of Finance was reviewing the deficiency request for \$74,000 for the Gwen Adair settlement.

5. MEETING DATES AND LOCATIONS – 2002 – ACTION

Due to the budget reductions, the commission asked Mr. Lynch to instruct staff to research various hotels and State Government conference rooms to possibly lower costs associated with meeting rooms and equipment for future meetings. Also, the commission suggested that staff arrange meeting sites and dates on weekends, weekdays, and on or around the dates of weigh-ins and shows as a way to lure more people to attend commission meetings. With that in mind, the commission created the following tentative calendar of future meeting dates and locations:

- February 9, 2002 at 10:00 a.m. – Location – TBA
- April 20, 2002 at 12:00 p.m. – Location – Anaheim
- June 12, 2002 at Evening – Location – TBA
- August 15, 2002 at 10:00 a.m. – Location – TBA
- October 17, 2002 at 10:00 a.m. – Location – TBA
- December 12, 2002 at 10:00 a.m. – Location – TBA

6. APPEAL OF RETIREMENT, SUSPENSION & FINE – ACTION

6.1 Gina Guidi – Professional Boxer – Appeal of Suspension/Fine

Mr. Lynch informed the commission that Ms. Guidi appealed her fine and suspension for testing positive for methamphetamine after her championship bout against Ms. Britt Van Burskirk on July 14, 2001 in Hayward. He stated that Ms. Guidi's attorney wrote a letter on her behalf requesting that the commission address the issue without Ms. Guidi's presence. At that point, Mr. Plowman pointed out that there was specific case law that permitted the commission to address this issue without Ms. Guidi's presence. He noted that Ms. Guidi's attorney did not object to the commission hearing the issue.

Mr. Lynch stated that Ms. Scuri suggested that the commission address the issue since it was an extreme financial hardship for Ms. Guidi to appear. Mr. Plowman concurred and stated that Ms. Guidi was scheduled to appear at the September commission meeting in San Francisco but due to the September 11th tragedy the meeting was cancelled.

Before Mr. Barajas addressed the matter, Mr. Plowman wanted to identify the reports that Mr. Barajas handed out to the commission. Mr. Plowman stated that technically the commission was not currently conducting a hearing so before he went on he asked the commission if they wanted to hear this item without Ms. Guidi's presence. It should be noted that the commission did not object to hearing the item so the hearing commenced.

Mr. Plowman stated that in the fax received from Ms. Guidi's attorney dated December 4, 2001 there was a concern regarding the urine test. Mr. Barajas concurred. Mr. Plowman stated that in response to that fax Mr. Barajas sent a letter dated December 5, 2001 to Valley Toxicology Service, Inc. requesting additional information regarding the urine test. Mr. Barajas concurred. Mr. Plowman stated that Valley Toxicology sent a response to Mr. Barajas' letter that same day (December 5th). Mr. Barajas concurred.

At that point, Mr. Plowman asked Ms. Chilimidos who administered the post fight urine test for Ms. Guidi and if she had read the December 4th fax from Ms. Guidi's attorney. Ms. Chilimidos stated that she had read the fax and she was in fact the person who administered the test. Mr. Plowman asked Ms. Chilimidos what she did with the urine sample after it was obtained from Ms. Guidi. Ms. Chilimidos informed him that she gave the urine sample to Mr. Barajas. Mr. Plowman asked Ms. Chilimidos if she labeled the urine sample. Ms. Chilimidos stated that the urine specimen bottle was pre-labeled with Ms. Guidi's information.

Mr. Plowman asked Mr. Barajas if he forwarded the urine sample to Valley Toxicology. Mr. Barajas concurred. At that point, Chairman Soto asked Mr. Barajas if the results were available. Mr. Barajas informed him that the results were included in the meeting binder on the Valley Toxicology Urine Drug Analysis sheet. Mr. Barajas pointed out that under the table listed as "Amphetamines" the "Methamphetamine" table was marked "Positive by GC/MS".

Mr. Barajas stated that in the binder there was also a response letter from Valley Toxicology dated September 12, 2001. He informed the commission that he made a verbal request asking Valley Toxicology to confirm their findings and to see if there were any other substances that could have produced a false reading for Methamphetamine. He noted that the letter basically stated that they performed an initial screening of the urine sample, which resulted in a presumptive positive for methamphetamine. He added that a secondary test called Gas Chromatography/Mass Spectrometry (GC/MS) was performed which was more sophisticated than the first screening. He noted that after the secondary screening using the GC/MS technique it was determined that the compound present was Methamphetamine.

Mr. Barajas stated that other Amphetamine type drugs could give a positive screening; however, with the GC/MS technique they would not be identified as Methamphetamine. He pointed out that Valley Toxicology identified Desoxyn, Didrex and Bensphetamine as prescription weight reduction drugs that contained Methamphetamine or could metabolize as Methamphetamine while using the prescription drug, which would result in a positive test.

At that point, Mr. Barajas stated that subsequent to the September 12, 2001 letter from Valley Toxicology, staff received a fax letter dated December 4, 2001 from Ms. Guidi's attorney that raised questions regarding the handling of the urine sample and whether or not the urine samples could have been switched. He stated that he wrote a letter dated December 5, 2001 to Valley Toxicology requesting additional information. He noted that

Valley Toxicology sent a response letter that same day confirming that there was no way that it could have been anyone else's urine sample, it was indeed Ms. Guidi's, and it tested positive for Methamphetamine. He added that subsequent to the urine sample Ms. Guidi claimed to have taken Pseudophed, Afrin, Seldane, and Claritin, which Valley Toxicology claimed that neither of the drugs could have tested positive for Methamphetamine or Amphetamine.

Mr. Plowman asked Mr. Barajas if at some point of time did staff interview Ms. Guidi. Mr. Barajas concurred and stated that Mr. Lynch conducted a tele-conference with Ms. Guidi at her request. He noted that staff taped the conversation. Mr. Plowman asked Mr. Barajas for a summary of the conversation. At that point, Mr. Lynch stated that he advised Ms. Guidi that the results provided by Valley Toxicology showed that she tested positive for Methamphetamine then he asked for her side of the story. He reported that Ms. Guidi stated that she definitely did not use drugs and the urine sample might have been accidentally mislabeled or switched by staff. Mr. Lynch stated that basically Ms. Guidi claimed that she did not take Methamphetamine.

Commissioner Sauter stated that Ms. Guidi had participated in a great number of bouts in California. At that point, Mr. Lynch stated that Ms. Guidi was a credit to the sport of boxing. Commissioner Sauter was concerned because in the December 4, 2001 letter from Ms. Guidi's attorney it stated that Ms. Guidi did not learn of the results until 30 days after the bout and according to the letter it seemed as if the commission violated Business and Professions Code Section 18706. He added that the letter also stated that Ms. Guidi was unable to retest within a reasonable time. He asked Mr. Lynch if that was correct. Mr. Lynch disagreed and stated that staff did in fact receive the results in 30 days, which was normal processing time to receive a written response from Valley Toxicology. Mr. Lynch noted that staff sent a letter to Ms. Guidi within five days of receipt of the results and advised her of the suspension and fine.

Commissioner Sauter asked Mr. Lynch if Ms. Guidi could have taken another test once she was notified. Mr. Barajas informed him that he had spoken with Valley Toxicology and was informed that in most instances after 72 hours the body would flush out any indication of Methamphetamine in her system. He noted that another test performed after the 72-hour period would most likely have tested negative unless she used more Methamphetamine.

Mr. Barajas stated that he had worked several shows where Ms. Guidi had fought and was very surprised of the test results. He echoed Mr. Lynch's comment that Ms. Guidi was a credit to the sport of boxing. He noted that she had a large fan base and was very popular in female boxing.

Vice-Chairman Costa stated that he knew Ms. Guidi for about three years and he never knew her to be a drug user. He pointed out that she was a good fighter and trained 5 days a week at King's Boxing Gym in Oakland.

Chairman Soto asked why staff took a urine sample from Ms. Guidi. Mr. Barajas informed him that it was customary for staff to take a post-fight urine sample after a Championship bout. He noted that it was not a random drug screen.

Commissioner Sauter stated that since Ms. Guidi seemed to have regret and seemed to be held in high esteem so he wondered if there was middle ground that the commission might have that did not involve taking her out of the sport. He asked if she could be placed on probation with the understanding that if she was to test positive again the commission would strictly enforce its rules and fine and suspend or revoke her license altogether.

Commissioner Michelman stated that he had heard that Ms. Guidi was a credit to the sport but it did not mean that she did not use drugs on other occasions. He noted that this just might be her first time getting caught. Commissioner Ducheny concurred.

Commissioner Ducheny stated that the commission just revised its fine schedule and with this being the very first rule violation it seemed as if the commission did not want to do anything. He asked the commission if they were going to stand by their rules because he wanted to see something done. He noted that the fine amount of \$2,500 was probably too harsh but he still wanted to see some type of fine and suspension.

At that point, Mr. Barajas stated that during a conversation with Ms. Scuri in regard to the fine schedule he was informed that the schedule was not a statute. He added that the schedule was a guideline for staff to use if a situation arose. He noted that the maximum fine in statute was \$2,500.

At that point, Mr. Barajas gave his recommendations to the commission as follows:

1. The Commission may:
 - deny the appeal
 - suspend Ms. Guidi's Professional Boxer license in violation of Rule 303 until December 31, 2001
 - suspend her Matchmaker license in violation of Rule 390 until December 31, 2001
 - require her to pay the \$2,500 fine
 - should she apply for a Professional Boxer license and Matchmaker license renewal she would be required to submit a clean urine test along with her application(s).
2. The Commission may:
 - deny the appeal
 - require her to pay the \$2,500 fine
 - remain suspended as a Professional Boxer until December 31, 2001 and
 - allow her to keep her Matchmaker license conditional on her submitting a clean urine sample.

3. The Commission may:
 - deny the appeal
 - require her to pay a reduced fine in an amount determined by the Commission
 - remain suspended as a Professional Boxer until December 31, 2001
 - allow her to keep her Matchmaker license conditional on her submitting a clean urine test.
 - should she apply for a renewal she would be required to submit a clean urine test along with her application(s).
4. The Commission may:
 - accept Ms. Guidi's appeal
 - reinstate her Professional Boxer license conditional on her submitting a clean urine test
 - require her to pay the \$2,500 fine and
 - allow her to keep her matchmaker license conditional on her submitting a clean urine test.
5. The Commission may:
 - accept Ms. Guidi's appeal
 - reinstate her Professional Boxer license conditional on her submitting a clean urine test
 - require her to pay a reduced fine in an amount determined by the Commission and
 - allow her to keep her Matchmaker license conditional on her submitting a clean urine test.
6. The Commission may:
 - accept Ms. Guidi's appeal
 - reinstate her Professional Boxer license conditional on her submitting a clean urine test
 - rescind the \$2,500 fine and
 - allow her to keep her Matchmaker license conditional on her submitting a clean urine test.

Mr. Barajas recommended that the commission adopt recommendation number 1. He noted that the recommendation was being made pursuant to the commission's rules and regulations and the fine schedule.

Commissioner Ducheny recommended option 3 with one modification. He suggested that the fine amount be reduced from \$2,500 to \$1,500. He also felt that she should be suspended for one year from the date of the fight, which would be July 14, 2001. Chairman Soto concurred. At that point, Mr. Plowman informed Commissioner Ducheny that a suspension could not extend into the next licensing year but the commission could allow her to reapply in 2002 and issue her a probationary license which in a sense would suspend her for a determined amount of time.

Mr. Lynch asked the commission if they would support a motion that would state that Ms. Guidi's license be suspended effective the day of the fight and end on December 31, 2001, fine her \$1,500, should she reapply for a 2002 professional boxer license she must submit a clean urine sample, and she would be subject to random drug testing for the 2002 licensing year. Mr. Plowman stated that in essence that would be considered a probationary license and the commission could add that if staff contacted Ms. Guidi to take a random drug test she must report to the Sacramento office within 24 hours of notification.

Vice-Chairman Costa felt that the \$1,500 fine was still too harsh and he suggested that she be fined \$500. He noted that Ms. Guidi did not make that much money as a female fighter, she trained five days a week, and barely made enough money at her current job to pay a fine of \$1,500.

Commissioner Ducheny stated that he would withdraw his recommendation and go with Mr. Lynch's recommendation with the exclusion of the \$1,500 fine amount and the inclusion of the \$500 fine amount as suggested by Vice-Chairman Costa.

Commissioner Michelman also chose option 3 but he suggested that the purse amount from the July 14th fight should be surrendered up to the amount of the \$2,500 maximum fine amount. He stated that he did not feel that Ms. Guidi should be allowed to profit from the fight since she broke the commission's rules and regulations. He added that she did not have to be placed on probation status because in the commission's rules and regulations it allowed the commission to require a fighter to submit to random drug testing any way.

Commissioner Ducheny asked Ms. Chilimidos if she held Ms. Guidi's purse pending the drug results. Mr. Barajas informed him that staff did not have the results from the urine sample at the time of the fight so Ms. Guidi was given her purse.

Mr. Plowman pointed out that normally laboratories are required to keep a retained amount of the urine sample for cases such as drunk driving in case the defendant has charges brought against him. He stated that in this case there was no retained urine just test results so if there were any questions or doubts there would be no way to resolve it.

Commissioner Michelman reiterated that he did not feel that Ms. Guidi should profit from the July 14th bout and he recommended that the fine stay at \$2,500. Commissioner Ducheny concurred but recommended a reduced amount of \$1,500.

Action: Motion by Commissioner Ducheny to fine Ms. Guidi \$1,500.

Chairman Soto asked Commissioner Ducheny about the suspension. Commissioner Ducheny stated that he wanted to get an agreement on the fine amount before he moved forward.

The motion was not seconded. The motion died.

Action I: Motion by Commissioner Sauter and seconded by Vice-Chairman Costa to fine Ms. Guidi \$500.
Vote: 4-2
Ayes: Chairman Soto, Vice-Chairman Costa, Commissioner Sauter, and Commissioner Vergara
Noes: Commissioner Michelman and Commissioner Ducheny

Mr. Plowman stated that it appeared that the commission was in consensus of the probation for the 2002-licensing year. At that point, Commissioner Michelman stated that he would like to go through option 3 because he did not feel that there was a consensus. He stated that he would not support a probation period. Mr. Plowman stated that the commission had already discussed option 3 and he felt that the commission went beyond it. He gave the recommendations that he gathered from the commission which were:

- Ms. Guidi be suspended from July 14, 2001 to December 31, 2001
- Submit clean urine sample upon reapplying for 2002 licensing year
- Be placed on probation for the 2002 licensing year and
- Submit to random urine testing at staff's discretion

At that point, Mr. Plowman asked the commission if they wanted Ms. Guidi to be placed on probation. Chairman Soto concurred but he asked Commissioner Michelman for his input. Commissioner Michelman stated that he did not know if the commission could place someone on probation but it would be up to Ms. Guidi reapplying. He added that he would not have any objection to placing Ms. Guidi on probation if she reapplied for licensure, submitted a clean urine sample, and understood that she might be subject to random drug testing.

For clarity, Mr. Lynch asked Mr. Plowman if the formal letter would state that her license would be suspended until December 31, 2001. At that point, Commissioner Michelman asked what license would be suspended the professional boxer or the matchmaker or both. Mr. Plowman stated that this was an item that was not clear and with several conversations with Ms. Scuri it was determined that the matchmaker and the boxer license were not related. He suggested that the commission only address the professional boxing license. The commission concurred.

Action II: Motion by Commissioner Michelman and seconded by Commissioner Sauter to suspend Ms. Guidi's professional boxing license until December 31, 2001, upon renewal for the 2002 licensing year she must submit a clean urine sample, and she must submit to random drug screening through the 2002 licensing year.
Vote: Unanimous

7. LICENSE APPROVALS – NEW APPLICATIONS – SPECIAL CONSIDERATIONS – ACTION

7.1 Norma McCoy – dba Megabox, Inc. – Professional Boxing Promoter – Original

Mr. Barajas informed the commission that Ms. McCoy was applying for an original 2001 professional promoter license. He pointed out that MegaBox, Inc. was granted a temporary professional boxing promoter license on July 20, 2001 through November 10, 2001. He noted that Megabox, Inc. held two shows with the first being on July 20, 2001 and second on October 12, 2001. He added that both shows were held at the Pala Casino and according to commission records both shows were well attended.

Mr. Barajas reported that commission staff, in preparation for the October 12th event, contacted Megabox, Inc.'s insurance and bond carrier, National Certified Insurance, to obtain a copy of their boxer medical insurance claim form. Upon contacting National Certified Insurance, staff was informed by Ms. Tanya Grigorian that National Certified no longer offered medical coverage for boxers but they would still provide liability insurance. He noted that staff contacted Megabox to inform them of this development and Megabox along with the assistance of commission staff was able to secure medical insurance through Gagliardi Brothers in time for the event.

Mr. Barajas informed the commission that during the weigh-in for the October 12th event it was brought to staff's attention that the Pala Casino was not pleased with Mr. Vincent Mancini's handling of their events and that they would no longer conduct business with Megabox. He stated that the Pala Casino's main complaint regarded the change in fighters used at their venues. He noted that staff explained to the representatives of the Pala Casino that it was not unusual for fighters to be changed due to a variety of reasons beyond the control of the promoter. He added that the explanation apparently did not change the Pala Casino's perception of Mr. Mancini but Mr. Mancini did fully cooperate with staff to ensure that the event took place.

Mr. Barajas explained that subsequent to the event of October 12th, it came to staff's attention that Megabox had provided a letter to the commission dated June 27, 2001 indicating that Mr. Vincent Mancini would be the contact person for Megabox. He informed the commission that Mr. Mancini was not licensed in any capacity by the commission and had not been named as the licensed matchmaker for Megabox. He added that the Megabox licensing file did not name a licensed matchmaker or if Ms. McCoy would act as her own matchmaker. He noted that to date staff had not received any confirmation from Megabox as to who they have as a licensed matchmaker on staff.

At that point, Mr. Barajas recommended that Norma S. McCoy dba Megabox, Inc. be granted an original 2001 professional boxing promoter license with the condition that she names a licensed matchmaker.

Chairman Soto asked Ms. McCoy if she currently had a licensed matchmaker. She informed the commission that Mr. Jeff Ruff would act as matchmaker.

Commissioner Ducheny asked Ms. McCoy to give her statements.

Ms. McCoy stated that they scheduled a heavyweight main event for the October 12th event but the day before the event was to take place she received a call from one of the main event fighters stating that he was hurt. She explained that she contacted the Pala Casino to inform them of the change and assured them that she would substitute the fight with an equally matched or better fight to take its place. She noted that she secured a competitive main event bout.

Ms. McCoy stated that she contacted the insurance company the day before the fight since the commission staff alerted her to the problem with medical coverage through National Certified. She noted that she was able to secure medical coverage through Gagliardi Brothers and the show went on as scheduled.

Since there were issues with the fight card, Ms. McCoy stated that Ms. Sue Welp contacted her and stated that the Pala Casino was not going to pay Megabox the balance due because the Pala Casino lost several thousands of dollars in advertising due to the cancellation of the main event. She noted that the show was very good but the Pala Casino did not honor their agreement.

Referencing Ms. McCoy's letter, Commissioner Ducheny asked what upset her. Ms. McCoy informed the commission that because she had just given birth she had Mr. Mancini represent her at the weigh-in and he also represented her while doing business with the Pala Casino. She stated that she received a call from Mr. Barajas stating that the rooms for the weigh-in were totally messed up. She pointed out that it was not her fault because the casino provided the rooms and they some how messed up the arrangement.

Commissioner Ducheny stated that the commission had a letter from the Pala Casino and according to them, when the main event was canceled, Mr. Mancini called Samantha Mansell to inform her that Ahmad Abdin missed the weigh-in due to FBI detainment in Texas and he could not fight. He asked Ms. McCoy why did Mr. Mancini say that. Ms. McCoy stated that the FBI in Texas in fact detained Mr. Abdin and after he missed his flight he contacted her and stated that he was hurt. She added that Mr. Abdin informed her that he disclosed the injury to his manager but his manager accepted the fight any way.

Commissioner Ducheny asked Ms. McCoy why Mr. Mancini's story changed when Ms. Welp called to inquire about the canceled fight. He noted that Mr. Mancini's story changed from a FBI detainment to a National Guard detainment. Ms. McCoy stated that this was what she was told from Mr. Abdin. Commissioner Ducheny stated that basically Mr. Abdin missed his flight. Ms. McCoy concurred.

Commissioner Ducheny stated that he thought that Mr. Abdin was hurt. Ms. McCoy concurred and stated that she requested a doctor's note substantiating the injury. She noted that she did receive a doctor's note.

Commissioner Ducheny stated that the problems that occurred on, before and during the October 12th event were:

1. Megabox did not have medical insurance
2. Mr. Mancini was not licensed
3. Mr. Abdin was detained by the FBI and/or the National Guard in Texas which resulted in the main event being canceled.

At that point, Commissioner Sauter stated that there was a recommendation before the commission and he wanted to see if there was support to accept it.

Commissioner Ducheny stated that looking through all of the information provided and the comments received he saw a lot of finger pointing at everybody except Megabox itself. He pointed out some examples as follows:

- The reason why Ms. McCoy did not appear at the weigh-in was due to her new born baby
- Blamed Mr. Englebrecht for disturbing business relations between Megabox and the Pala Casino
- Blamed Mr. Barajas for numerous reasons
- Blamed insurance agent, Mr. Scott Davis, for not providing the medical coverage
- Blamed the Pala Casino for not being paid and for the rooming problem
- Blamed the Post Office and
- Blamed the Commission

Ms. McCoy stated that she was not blaming anybody for the problems that occurred. She added that she was just trying to figure out and clear up any misunderstandings resulting from the event.

Commissioner Ducheny stated that he was a little nervous because Ms. McCoy was requesting a license from the commission and with her two shows that already took place she did not even take responsibility for the problems that occurred. He felt that Megabox should get a couple more events "under their belt" before the commission issued them a permanent license. Ms. McCoy stated that she was responsible and she was not trying to blame anybody for the problems that occurred. She noted that Megabox maintained their professionalism and the show went on as scheduled.

Commissioner Ducheny asked Mr. Barajas if Megabox had medical insurance. Mr. Barajas stated that Megabox did in fact have medical insurance for their events. He noted that it was the promoter's responsibility to have medical insurance for each particular event. He added that if a promoter had medical insurance for one event it would not

continue for the next event so the promoter would have to renew the medical coverage on an event to event basis.

In regard to Megabox, Mr. Barajas stated that he did not provide any false statements regarding the medical insurance and in fact he did everything to notify them of the problem with the medical insurance. He noted that after several calls from staff and Megabox, Gagliardi Brothers insured Megabox without even receiving the required cashier check. He added that Gagliardi Brothers accepted his word that the “check was in the mail” so they insured Megabox for the October 12th event.

Commissioner Ducheny stated that it was through Mr. Barajas that the insurance coverage was attained. He asked Ms. McCoy if that was correct. Ms. McCoy concurred and stated that the insurance premium was paid. Referencing Ms. McCoy’s letter, Commissioner Ducheny asked what false information did the commission provide to her. Ms. McCoy stated that it was the insurance information because after the show she contacted National Certified and was advised that they still offered medical coverage. Commissioner Ducheny asked who from the commission provided her with the false insurance information. Ms. McCoy stated that a lady from the commission called her. Commissioner Ducheny asked Mr. Barajas who could have called Ms. McCoy. Mr. Barajas stated that it might have been Ms. Jessica Finch because she dealt with licensing; however, Mr. Barajas noted that in the binder there was a faxed letter received from National Certified stating that they no longer offered medical coverage insurance for profession boxers. Commissioner Ducheny pointed out that staff did not supply false information.

Commissioner Michelman stated that from what he gathered Megabox was granted a temporary license and promoted two shows that resulted in “bumps in the road”. He recommended that Megabox be given another temporary license for a certain amount of time as a way to determine if a permanent license should be granted.

Commissioner Ducheny stated that it might be possible to do that because the commission could let the temporary license expire and have Megabox reapply in 2002 for an original promoter license which another 120-day temporary license would be issued. Based on the outcome of the events held while promoting under the temporary license, a permanent license could be issued by staff under the authority of the commission.

Mr. Plowman pointed out that Megabox needed to supply a more detailed financial statement because the only figures that were detailed were the cash in the bank account and an estimated value of machinery, fixtures, and equipment. Ms. McCoy concurred and stated that she would provide staff with a financial statement.

Action: Motion by Commissioner Ducheny and seconded by Commissioner Sauter to have Megabox, Inc. apply for an original 2002 promoter license and supply a financial statement that would be acceptable by staff. If the financial statement is acceptable and Megabox, Inc. does not have any major problems while promoting on the 120-day temporary license, the commission grants the authority to the Executive Officer to approve an original license without Megabox appearing at a commission meeting.

Vote: Unanimous

7.2 Areg Productions – dba Ian Productions – Professional Boxing Promoter - Original

Mr. Lynch reported that Mr. Badhdassarians, as president of Conwell Group, Inc., and doing business as Ian Productions was applying for an original 2001 professional boxing promoter license. He stated that Ian Productions met all licensing requirements and was issued a temporary professional boxing promoter license on March 29, 2001. He noted that Mr. Badhdassarians had been in the entertainment business for the past 14 years. He added that Mr. Badhdassarians also was involved with boxing for the past year and a half in a management standpoint. At that point, Mr. Lynch informed the commission that, to date, Ian Productions had not promoted one event in California.

Mr. Lynch stated that Mr. Alex Martinez would act as the matchmaker.

Since Ian Productions did not promote any events in 2001, Mr. Lynch recommended that Ian Productions apply for an original 2002 license which another temporary license could be granted to allow Ian Productions the opportunity to promote one or two shows. He added that staff could then issue a permanent license without Ian Productions having to reappear before the commission.

Mr. Plowman stated that there was one problem that needed to be corrected. He pointed out that on the bond it needed to be changed from Areg Badhdassarians to Ian Productions because the name on the bond needed to agree with the name on the license. He noted that if this were not changed it could result into the Bond Company not paying up.

Chairman Soto asked Mr. Badhdassarians if he bounced a check. Mr. Badhdassarians concurred and stated that he corrected that mistake. Chairman Soto stated that he hoped there would not be any future bounced checks because the check that was bounced was for his promoter license.

Vice-Chairman Costa asked Mr. Badhdassarians if he planned on promoting in Las Vegas. Mr. Badhdassarians concurred. At that point, Chairman Soto asked if he would be promoting in both California and Nevada. Mr. Badhdassarians concurred.

Chairman Soto asked why Mr. Badhdassarians did not promote since he received his temporary license in March. Mr. Badhdassarians stated that he was out of country for over six months due to a family emergency.

Action: Motion by Commissioner Vergara and seconded by Commissioner Sauter to have Mr. Badhdassarians apply for an original 2002 promoter license and upon submitting his application he must submit a revised Bond that reflects Ian Productions as the promoter. If Ian Productions does not have any major problems while promoting on the 120-day temporary license, the commission grants the authority to the Executive Officer to approve an original license without Ian Productions appearing at a commission meeting.

Vote: Unanimous

7.3 Kentaro Yoshino – dba World Wide Boxing Promotions – Professional Boxing Promoter - Original

Mr. Yoshino did not appear so the commission tabled this item until the next commission meeting.

7.4 Johnny McClain – dba Absolut Boxing, Inc. – Professional Boxing Promoter - Original

Mr. McClain was taken off the agenda because he did not meet all licensing requirements prior to the meeting.

8. PROFESSIONAL BOXERS' PENSION PLAN – INFORMATION/ACTION

Mr. Lynch informed the commission that he invited Mr. Kevin Long, the commission's pension attorney, to address the commission on the history and current and future status of the Professional Boxers' Pension Plan. At that point, Mr. Lynch advised the commission that they could ask any pension questions they might have.

Mr. Kevin Long provided the commission with a written report detailing the commission's Professional Boxers' Pension Plan and read through the report with the commission. (A copy of the report is attached for the record)

Mr. Long stated that the commission's investment services provider contract would expire on June 30, 2002. He suggested that the commission circulate a new invitation for bid or a request for proposal to select a new investment services provider or confirm that First Union would continue as the investment services provider as soon as possible. He added that the commission needed to review all of the investment services providers' prior invitation for bids that were submitted in 1998 to see if they would be sufficient for the commission's needs. He also suggested that the commission have their investment

services provider provide a yearly statement showing the progress of the pension plan as required by law.

Mr. Long pointed out that the commission also needed to get bids for new legal services or renew the current contract. He noted that the commission needed to create a direct contract with a record keeping agency or upon bidding with legal service providers the cost of record keeping needed to be figured in.

Vice-Chairman Costa asked Mr. Long if the commission had to make those changes before January 2002. Mr. Long stated that both contracts expired on June 30, 2002 but he was suggesting that the commission start the bidding process for both investment services provider and a legal services provider.

Commissioner Sauter asked if the contracts had to be renewed or sent out for bid each fiscal year even though the commission was pleased with the current providers. Mr. Long concurred. Commissioner Sauter asked how much subjectivity was involved with the selection of the providers. Mr. Long stated that as he understood the commission would have to take the lowest qualified bidders and determine which bidder met the commission's needs. Commissioner Sauter stated that even if the commission liked a certain firm the commission would still have to go to the lowest bidder even though the margin between was not that much different. Mr. Long concurred and stated that during the last bidding process the bidding package was circulated widely but only three proposals were received. At that point, Mr. Lynch stated that the proposals were received from reputable companies but no major companies submitted proposals because the pension plan was only \$3.2 million.

Commissioner Sauter asked Mr. Long how rapidly did the pension plan grow. Mr. Long stated that it was determined by the stock market. He noted that the pension plan did very well in its past two years but the market slowed down. Commissioner Sauter stated that "did very well" meant how much money for the pension plan. Mr. Long stated that the pension plan was funded by two ways. The first being the contributions from the promoters which totaled about \$50,000 a year and secondly was investment earnings. He stated that in his report it showed that from 1998 to the end of 2000 the pension plan had pretty dramatic gains. He referenced 1998 and stated that the fund that the pension plan was in gained a historical return of about 13%, which he felt was good for a balanced fund. He stated that the normal return for a balanced fund was about 8%.

Commissioner Sauter asked what the cost was for turning over the management of the pension plan and how would the commission protect itself from a firm wanting a bigger cut of the pension plan returns. Mr. Long stated that the cost of the contract was an administrative cost and as far as the allocation of funds to the providers it would be the commission's responsibility to set the allocation and make sure that the investment services provider kept the commission apprised of what stocks the pension monies were being invested in.

Commissioner Sauter asked how it would work internally. Mr. Lynch stated that it would be up to the commission's Pension Advisory Committee with consultation from Mr. Long. Commissioner Sauter asked who was on the Pension Advisory Committee. Mr. Lynch informed him that Commissioners Ducheny and Michelman were on the committee.

Commissioner Michelman asked Mr. Long if the Pension Advisory Committee wanted to make changes to the allocation what type of liability would the commission have. Mr. Lynch stated that it would be 100%. Mr. Long concurred and suggested that the commission go through the invitation for bid process and identify a service provider. He stated that at the start of their service, when hired, the provider would come in and examine the existing asset allocation strategy and performance. He added that they would report to the commission the degree of risk versus the rate of return that the commission currently was achieving. He noted that the commission would have to make a decision regarding asset allocation based upon risk of return, then send it out for allocation strategy, and have the provider identify and select the managers and funds that the pension monies were deposited in. He stated that the commission should make the provider responsible for reporting back to the commission listing the performance of the asset allocation funds.

Commissioner Michelman stated that there would be liability for the commission either way if they decided to keep the pension plan where it is or if they moved it. He asked Mr. Long if he knew if the liability to the commissioners was individual or if there was immunity and/or indemnification by the state at large. Mr. Long stated that he did not know and deferred that question to Mr. Plowman. Mr. Plowman stated that it would be individual.

Commissioner Sauter asked Mr. Long if Commissioners Ducheny and Michelman were unilaterally and without external advise responsible for monitoring the process and sensing changes then contacting the manager if there was a problem. Mr. Long stated that the Pension Committee would meet and appear before the commission and advise them of the work completed. Commissioner Sauter stated that he wanted to know whom the "adult" was that knew the whole process and would know if something were going amiss. Mr. Long stated that the "adult" would be the investment services provider. Commissioner Sauter asked if they would also have fiduciary responsibility for the pension plan, as is the case for the commission. Mr. Long concurred. Commissioner Sauter stated that the investment services provider was the firm that invested the monies and also would recommend to the Pension Committee changes, as needed to the pension plan funds. Mr. Long concurred and stated that they would sit down with the Pension Committee and educate them on the investment process.

Commissioner Sauter asked if there was a State agency that the commission could contact if they had questions concerning the pension plan. Mr. Lynch felt that Mr. Long would be the contact person if there were major questions that arose regarding the pension plan.

Commissioner Sauter asked Mr. Long if the Pension Advisory Committee could draw upon him for the professional knowledge and if he would inform the commission if the investment services provider was veering in a wrong direction. Mr. Long concurred. Commissioner Sauter asked Mr. Long what if he failed to advise the commission. Mr. Long stated that he had liability insurance. Commissioner Sauter asked if Mr. Long was the “adult”. Mr. Long concurred.

Mr. Plowman stated that another warning sign would be through Mr. Long’s firm because if the accounting people saw something out of the ordinary they could report to the commission.

Commissioner Vergara asked if any other state had a pension plan. He was informed that California was the only state that had implemented such a program.

Commissioner Michelman asked if Mr. Long had a file that contained all records on the commission’s pension plan such as contracts, engagement letter, etc. Mr. Long concurred. Commissioner Michelman requested a copy of that file to better understand the pension program and if there were any other liabilities to the commission.

Commissioner Michelman asked how the commission was being charged. He wanted to know if it was hourly, a flat fee, or a percentage. Mr. Long stated that he has a contract with the commission, which was renewed on an annual basis. He noted that he charged an hourly fee and the commission received a State rate with an annual cap. Commissioner Michelman asked if he billed services or hours. Mr. Long stated that he billed total services but they kept track of the number of hours that were allocated for work for the commission.

Commissioner Ducheny asked how much the hourly rate broke down to. Mr. Long or Ms. Chilimidos did not know off hand the amount of the hourly rate. Ms. Chilimidos ensured the commission that she would get back to them with a number.

Commissioner Sauter asked when the bidding process began for the legal services provider. Mr. Long stated that all he knew with correspondence from the Governor’s Office was that the commission needed to obtain three bids for contracts that needed to be renewed beginning July 1, 2002. He noted that he offered Mr. Lynch a number of legal service providers that could be contacted for bids.

Ms. Chilimidos stated that she had already begun the process.

Commissioner Sauter asked what was the average pay out to a retired boxer. Mr. Long stated that there hadn’t been an actual retirement pay out yet. Commissioner Sauter asked if the requirements were that the fighter had to be the age of 55 and meet a certain number of rounds to get the pension benefit. Mr. Long concurred and stated that a fighter who was disabled would also be entitled to the pension benefit. He noted that the commission refunded about a half-million dollars in refunds of boxer contributions to the previous pension fund. He added that the monies returned included the guaranteed 6%

rate of return on the monies invested through 1996 and a greater return of 12% on monies that were invested from 1996 through 1999.

Commissioner Michelman once again requested a copy of the entire file regarding the commission's pension plan. Mr. Long concurred but asked if Commissioner Michelman wanted all the files dating back to 1993 or just the current files. Commissioner Michelman stated that he would like 1996 to current but if he needed the other files he would contact Mr. Long.

**9. NOVEMBER 2002 CONSTITUTIONAL AMENDMENT INITIATIVE –
GAMING CONTROL ACT - INFORMATION**

Mr. Lynch stated that prior to the meeting he sent the commission a memo regarding the Constitutional Amendment Initiative. He reported that the Gaming Control Act was an initiative that might be on the November 5, 2002 ballot. He noted that if the voters passed the initiative it would legalize gambling in the State of California. He added that it would abolish the State Athletic Commission and all professional boxing, kickboxing, martial arts and even toughman contests and mixed martial arts would fall under the scope of a newly created agency known as the California Gaming Commission. He informed the commission that the Gaming Commission would be directly under the Department of Gaming and a new Commission would be created with five Governor appointees.

Mr. Lynch stated that if the proponents of the initiative were able to secure the required voter signatures of 670,816, it would be interesting to watch the resistance of the Native American Indian gaming interests and the gaming interests from Nevada.

Commissioner Sauter asked Mr. Lynch when the commission would become aware if the initiative was placed on the ballot. Mr. Lynch stated that he was in close contact with the Secretary of State's office. Mr. Plowman advised the commission that the initiative was currently at the Attorney General's office for review. He noted that it would probably be there for several months.

Commissioner Ducheny asked Mr. Plowman why he felt that the initiative would be on the November ballot. Mr. Plowman stated that he did not know if it was going to be on the November ballot. He informed Commissioner Ducheny that the initiative arrived at the Attorney General's office in November 2001 and it usually took about a year to get the approval for the initiative to get signatures. After receiving and verifying the 670,816 signatures, Mr. Plowman stated that it would probably far surpass the November 5, 2002 ballot so this made him feel that it would not be on the ballot.

Commissioner Ducheny stated that he did not feel that this initiative would be on the November ballot unless there was major money backing the initiative. He noted that it would take about \$5,000,000 to collect the signatures in two months.

Commissioner Sauter asked Commissioner Ducheny who the backers were for the initiative. Commissioner Ducheny stated that it was the De Ville Group. Commissioner Sauter asked if there was any media coverage on this issue. The commission was unaware of any media coverage.

Commissioner Ducheny stated that there was probably no news coverage on the initiative because it was new. He noted that several initiatives were submitted to the Attorney General's office and most of them do not even make it through the first cut. He added that it was a sophisticated initiative and it was so far reaching because it legalized all sorts of gambling, consolidated horse racing, boxing, and all others forms of fighting. He felt that it looked like a serious admission and the signatures could all be bought if the money was behind it.

Commissioner Sauter asked Commissioner Ducheny if he felt that the Nevada interests were behind the initiative. Commissioner Ducheny stated that it was possible because Indian Gaming in California was making a dent in the Nevada Gaming interests. He noted that the Indian Gaming interests would probably be the people fighting to keep this initiative off of the ballot to stay self-reliant. He added that the commission should take a position once the initiative reaches the ballot to either support it or not support it but that would have to be determined later with the commission's best interest in mind.

Mr. Plowman stated that he had a problem with the initiative because it would treat horse racing and boxing as gambling as opposed to the regulation of boxing or the regulation of horse racing. He noted that this would in a sense be putting "the cart before the horse".

Commissioner Ducheny asked if a person could bet on boxing and horse racing in Nevada. Mr. Plowman concurred and stated that Nevada had a Gaming Commission that oversaw gambling and a State Athletic Commission that oversaw boxing. He noted that the initiative would repeal the commission and hand over the authority to a Gaming Commission.

10. COMMITTEE REPORTS – INFORMATION/ACTION

10.1 Arbitration Committee Report

Mr. Plowman reported that there were arbitrations that were scheduled for December 5, 2001 but none of the parties were present. He stated that he would reschedule the hearings next year.

Chairman Soto asked Mr. Plowman which parties requested arbitrations more the fighter or the manager. Mr. Plowman stated that fighters usually request the arbitrations. Chairman Soto suggested that due to the budget reductions all arbitrations should be held either at the Los Angeles office or the Sacramento office whichever was closest to the fighter and manager. Mr. Plowman concurred.

Commissioner Michelman asked Mr. Plowman if there were set guidelines on how to conduct an arbitration hearing. Mr. Plowman stated that there were no formal guidelines but staff would send the parties a notice, which informed them to gather all information, documents, witnesses, and all other important paper needed for the hearing. Commissioner Michelman suggested that due to the budget reduction staff could have the parties submit their information along with a written letter detailing the cause to request arbitration. He stated that staff could issue a tentative decision and if the situation required a hearing then it could be a full-blown arbitration.

Mr. Plowman stated that it was not simple for a fighter or a manager to request arbitration. He informed the commission that staff required that there be a problem or issue that could not be resolved. He noted that a fighter or manager could not simply request arbitration without there being a valid reason. He added that staff has requested additional information from parties requesting arbitration before an actual hearing was scheduled. He pointed out that a lot of the hearings ended up being settled before the actual hearing took place.

Chairman Soto asked Mr. Plowman if the parties that did not show up for the arbitration hearings were suspended. Mr. Plowman stated that nothing would happen to them but he stated that a few years ago the commission had a policy that required the parties to pay a \$500 fee for not showing up. He noted that the commission voted to do away with that policy.

Commissioner Michelman asked Mr. Plowman if there was a fee for arbitration. Mr. Plowman informed him that there was not.

10.2 Pension Plan Review Committee Report

This item was addressed in agenda item 8.

10.3 Medical and Safety Standards Advisory Committee Report

Commissioner Sauter reported that Dr. Wallace was voted the Boxing Doctor of the Year. He stated that the commission should be flattered that a California official was celebrated and honored for his hard work and dedication.

10.4 Legislative Committee Report

There was nothing to report.

10.4.1 Legislative Sub-Committee Report

Mr. Lynch reported that on November 19, 2001, the Legislative sub-Committee, Chaired by Commissioner Ducheny, met in Los Angeles to accept testimony regarding the frequency of testing boxers for HIV and Hepatitis B & C. He informed that commission that the following persons were in attendance:

- Dr. Paul Wallace
- Chuck Hassett - Referee
- Roy Englebrecht - Promoter
- Jerry Bilderrain - Matchmaker
- Marcos Barrello - Manager
- Lisandro Diaz - Professional Boxer
- Ulysses Pena - Professional Boxer
- Rob Lynch - Executive Office

Mr. Lynch informed the commission that its current procedure was to test the professional boxers/kickboxers for HIV/HBV on an annual basis as a condition of licensure. He stated that the main question was should the commission require testing prior to each bout. He noted that due to the incubation period of the diseases it was the consensus of the group, with the exception of Mr. Englebrecht, that boxers be tested every six months.

Mr. Lynch stated that legislation would be required to implement the testing of professional boxers/kickboxers every six months in addition to adding Hepatitis C testing. He noted that if the commission planned on going forth with the legislation he believed that the commission should also consider the requirement for amateur kickboxers.

At that point, Mr. Lynch read Ms. Scuri's comments as follows:

I have spoken at length with Jim Felton, Chief of the Department of Health Services Division of Communicable Disease Control, and with Dr. John Rosenberg, a physician who works in that division. Set forth below is a summary of those conversations.

They informed me that Hepatitis C is generally transmitted more than 20 years before the symptoms of the disease become apparent. High-risk individuals are primarily those who are exposed to blood including and especially intravenous drug users. Unprotected sex is not a high risk factor for Hepatitis C.

It was the consensus of these two experts that Hepatitis C should be treated the same as both Hepatitis B and HIV--there is no basis for differentiating between them in terms of testing.

Dr. Rosenberg further indicated that he believes it is not cost effective to test more than once a year.

Commissioner Sauter stated that he interpreted that the doctors felt the commission should not test every six months but only once a year. Mr. Lynch concurred.

Commissioner Sauter asked Mr. Englebrecht for his input. Mr. Englebrecht stated that at the sub-committee meeting Dr. Wallace reported that ringside physicians were required to get tested once a year and he did not feel that it was a good idea to test more than once a year. At that point, Commissioner Ducheny stated that Dr. Wallace did support the testing every six months.

Commissioner Michelman asked why amateur boxers were left out because the commission was going to seek legislation to include amateur kickboxers. Mr. Lynch stated that the commission could seek legislation to include amateur boxers but the commission delegated the authority of amateur boxing to a non-profit organization known as USA Boxing, Inc. He noted that amateur kickboxers bled just like boxers so that was the reason behind including amateur kickboxers.

Commissioner Michelman asked Mr. Lynch if he thought that USA Boxing would or had the ability to seek legislation to include testing for amateur boxers. At that point, Mr. Plowman stated that he did not think so and he felt that health issues should be dealt with by the commission.

Commissioner Ducheny asked Mr. Plowman what the following sentence meant: "it was not cost effective to test more than once a year". Mr. Plowman stated that it was probably related to the cost of re-testing the number of cases more than once in a year. Commissioner Ducheny stated that if the commission caught a fighter that tested positive within a six-month period it could have stopped that fighter from potentially infecting other fighters during the next six-month period. With that in mind, Commissioner Ducheny asked Mr. Plowman where would the cost effectiveness fit in. Mr. Plowman did not have an answer.

Mr. Plowman stated that he always had a problem with health information that was provided because most of the time the case studies did not relate to the sport of boxing. He noted that when doctors spoke of contracting diseases they always referred to needles and unprotected sex which boxing did not relate to.

Commissioner Ducheny stated that there was a six-month incubation period and the infection would not choose a month to start so a fighter could potentially test negative but a few months later could test positive and spread the infection.

Mr. Plowman stated that the only thing that sparked his interest while reading the Communicable Disease Control information on Hepatitis C was that health care workers were at risk of contracting the disease because they worked with sharp objects and other potentially infected materials.

Commissioner Ducheny stated that he would like to see staff develop a legislative proposal utilizing the recommendations of the Committee. He noted that he would also like to see amateur boxers included in the proposal.

Action: Motion by Commissioner Ducheny and seconded by Commissioner Sauter to have staff prepare a legislation proposal utilizing the recommendations of the Committee which would include testing every six months for Hepatitis B & C and HIV for professional and amateur boxers, kickboxers, and martial artists. Once the proposal is complete, it should be brought to the commission for consideration.

Vote: Unanimous

10.5 Officials' Committee Report

Commissioner Costa stated that he had received several referee evaluations and they all looked great. He added that attended the November 10, 2001 event in San Francisco at the Bill Graham Convention Center. He noted that the event was well attended and he commended Mr. Howes and Mr. Arum for doing a good job promoting.

Commissioner Sauter stated that the main event featured a fighter who was one of the most objectionable fighters in terms of the underhanded techniques. He explained that the referee on a couple of occasions cautioned the fighter then all of a sudden the HBO announcers drew critical of the referee. He noted that they were saying that the referee should have taken away a round and he should have taken away points. He added that the bottom line was that a senior referee was maligned on nation television at length and frequently.

Commissioner Sauter stated that he did not have the experience to make a value judgement as to really how well the referee performed. Since he did not have the knowledge, he presumed that the referee did a very good job. He suggested that the commission write a letter to HBO disagreeing with the comments that were made against the referee. He felt that the commission needed to develop within its organization a consciousness that "we protect our own".

Commissioner Ducheny stated that the media lived off of controversy and the more that a person responds the more it feeds the media. He cautioned anybody that considered responding to the comments.

Vice-Chairman Costa felt that the referee did a good job because he took away two points from the fighter because of low blows.

Chairman Soto stated that staff had assigned the commission's best referees to officiate that event and he felt that they did a good job.

10.6 Amateur Boxing Committee Report

There was nothing to report.

10.7 Strategic Plan Committee Report

Mr. Lynch reported that on November 29, 2001, he along with Ms. Church, Ms. Chilimidos, Chairman Soto, Commission Michelman, and Commission Sauter met to get the ball rolling with the commission's strategic plan. He added that staff would soon be contacting a select group of licensees as well as the commissioners to gather their input on how the commission could grow stronger with goals and what measurable goals the commission could carry out. Commissioner Michelman felt that it was a very productive meeting and it should advance the interest of boxing at large to the commission.

10.8 Martial Arts Advisory Committee

There was nothing to report.

11. AGENDA ITEMS FOR FUTURE MEETINGS

Commissioner Ducheny asked if the EMT and Paramedic situation was taken care of. Mr. Lynch stated that staff found out that there were certain things that EMT's could not do and Paramedics could do. He explained that at the last meeting the commission voted to have on site either EMT's or Paramedics. Commissioner Sauter thought that it was a specific recommendation. Mr. Lynch ensured him that it was indeed an either/or.

Mr. Lynch stated that a regulation hearing would be conducted at the February commission meeting regarding the use of EMT's and Paramedics at events. At that point, Ms. Church stated that the regulation would be presented to the commission and the public for comments. She added that the hearing would have to be noticed through the Office of Administrative Law. Mr. Lynch explained that if someone were to make a comment that objected to the use of EMT's and the commission agreed with the comment then there would be a 15-day delay period to allow staff to remove EMT's from the regulation.

12. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

Chairman Soto stated that he and Mr. Lynch discussed the assignments of referees to big name or championship bouts. He stated that the commission worked with the promoters and the sanctioning bodies in regard to assigning referees. He added that he would like to see the commission name two referees and let the sanctioning body or the promoter chose, which one they wanted to referee. At that point, Mr. Lynch informed him that the commission assigned the referee regardless of who the promoter or the sanctioning body wanted. He added that if they commission allowed them to chose the referee it would take the power of choice away from the commission. Chairman Soto agreed.

Commissioner Sauter stated that since the commission belonged to the Association of Boxing Commissions he wanted to begin looking at issues that extended beyond California. For instance, he suggested that the commission in association with other commissions and the boxing press create a ranking system rather than the organizations

that currently ranked the fighters. He wanted to make it clear that he was not currently recommending it at the meeting but he just wanted the commission to consider it for the future. He noted that the ranking system would result into a higher quality of boxing because it would supply an honest appraisal and would ensure quality bouts. He added that this might be an item for the strategic plan. The commission concurred.

13. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Mr. Englebrecht stated that the commission required officials to attend a yearly training clinic. With that in mind, he requested that the commission require all individuals that applied for a promoter's license get some type of schooling before he/she would be given the opportunity to go into the community, take money from the public, and put on shows. At that point, he volunteered to teach for a day to give the "new" promoters a little bit of education about the boxing business. He noted that the commission should also require that they attend at least six shows and weigh-ins to see how everything worked. He added that he was a firm believer that a rising tide raises all boats.

Mr. Bob Club requested to be included on the commission mailing list for the upcoming shows and commission meetings. At that point, he expressed his concern of amateur boxers sparring with professional boxers and he wanted the commission to send out letters and/or send inspectors to enforce the rules and regulations. He stated that it was a serious health and safety issue and he wanted to bring it to the commission's attention.

The meeting adjourned at 1:30 p.m.

The draft minutes were prepared by:

FRANK MUNOZ

DATE

The final minutes were prepared by:

FRANK MUNOZ

DATE